

45. (New) A mounting hook, as set forth in claim 9, wherein said second portion of said mounting hook has a first side and a second side opposite said first side, said first side having a hooking surface, said second side having said channel opening away from said first side.
46. (New) A mounting hook, as set forth in claim 9, wherein said wire seating member of said mounting hook has portions defining a through hole running longitudinally through said first portion of said mounting hook for receiving a mounting wire.

REMARKS

I. Summary of Interview with Examiner

On May 5, 2005, an interview was conducted with Examiner regarding the Office Action issued on February 24, 2005. In that Office Action, the Examiner rejected claims 1-10 citing a French patent, FR 2582362 to Delahousse et al. (the “Delahousse reference”), as a 102 prior art reference. In anticipation of the interview, Applicant submitted proposed amendments to independent claims 1 and 10 in an effort to distinguish the present invention from the Delahousse reference. In particular, Applicant proposed an amendment clarifying that the channel on the second portion was located on the side opposite the hooking surface and opened away from such hooking surface.

Applicant also discussed an amendment to Claim 1 to clarify that the wire seating member of the first portion of the present invention is a bore with an entrance opening and an exit opening.

II. Amendment to the Claims

Upon entry of the foregoing amendment, forty-one (41) claims are pending in the application. Of the pending claims, five (5) claims are independent.

III. Claim Rejections under 35 U.S.C. § 102

To establish anticipation of the present invention, the prior art reference must disclose the invention as set forth in the claim: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As also set forth in M.P.E.P. §2131, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the prior art fails to teach each element of the present invention according to Claims 1, 9, 10, and 11, as amended, as well as new claim 24. Specifically, for the reasons discussed below, the prior art fails to teach a mounting hook containing: (1) a wire seating member having a bore with an entrance opening and an exit opening; or (2) a second portion having a channel running longitudinally across the entire length of the second portion; or (3) a second portion having a channel located on the opposite side of the second portion as the hooking surface and opening away from such hooking surface.

A. Claim No. 1 & Dependent Claims

The Examiner has concluded that the Delahousse reference anticipates Claim Nos. 1-10. The Examiner rejected these claims based on the conclusion that the reference

teaches a mounting hook comprising a means for receiving a mounting wire in the form of the first portion 10, 8, 11 defining a seating member for the wire, a means for keeping the mounting wire rotationally stationary relative to the wire in the form of the channel 14 in the second portion of the mounting hook and a means for keeping the mounting hook attached to the seat frame in the form of the third portion 13. Applicant has amended Claim No. 1 to include further limitations that will distinguish the current invention from the Delahousse reference.

Instead of characterizing the wire seating member of the first portion as a shaft comprising a through hole, the new amended Claim 1 requires that the wire seating member of the first portion consist of a shaft with a bore having an entrance opening and an exit opening. During the interview, the Examiner indicated that the Delahousse reference could be viewed as having a shaft and at least one through hole in the first portion of the hook. As such, the Applicant added new language to Claim 1 that requires the wire seating member to be a structure that is entirely enclosed on all sides (excluding the entrance opening and the exit opening), hence the use of the word "bore". The Delahousse reference clearly fails to disclose a bore in the first portion of the mounting hook. In the Delahousse reference, the first portion possesses a channel. In other words, the wire seating member of the Delahousse reference is only enclosed on three sides. There is no indication that the Delahousse reference teaches that the wire seating member can be enclosed entirely within the shaft. In fact, the hook disclosed in the Delahousse reference would not be able to function if the wire seating member was a completely enclosed structure. One side of the wire seating member must be left open in the Delahousse reference so that the wire may be inserted therein. The present invention is

completely different structurally. Because the wire may be inserted into the wire seating member before the wire end is bent, the wire can pass through a structure that is completely enclosed on all sides (excluding the entrance opening and the exit opening).

The Examiner indicated concern that the language suggested by the amendments to Claim 1 could possibly read on a hook-shaped wire covered in plastic. The Applicant does not believe this to be the case as a hook-shaped wire covered in plastic would not have a second portion with an aperture/channel. Additionally, the Applicant has added additional limitations in amended Claim 2 to require that the exit opening of the first portion terminate prior to reaching the second portion of the mounting hook.

Based upon the structural differences between the present invention and the Delahousse reference as highlighted in amended Claim 1 and its dependent claims, Applicant submits that these claims are allowable over the Delahousse reference.

B. *Claim No. 9 & Dependent Claims*

Applicant has amended Claim No. 9 to expressly include a limitation requiring the channel located on the second portion of the mounting hook to extend the entire length of the second portion. The Delahousse reference arguably has a channel 14 located in the second portion; however, this channel clearly does not run the entire length of that second portion. Rather the channel in the Delahousse reference runs a fraction of the length of the second portion. There is no indication from the Delahousse reference that this channel should, or could, run the entire length of the second portion of the mounting hook. The limitation highlighted in amended Claim 9 should sufficiently distinguish the Delahousse reference. As such, Applicant submits that Claim No. 9, and its dependent claims, are allowable over the Delahousse reference.

C. *Claim No. 10 & Dependent Claims*

The Examiner has concluded that the Delahousse reference anticipates Claim No. 10 for the same reasons as Claim No. 1. Applicant has amended Claim No. 10 to expressly require that the channel on the second portion of the mounting hook be located on the side of the second portion opposite the hooking surface. To add further clarification, the amendment specifically indicates that the channel opens away from the hooking surface. The Delahousse reference fails to disclose a channel in the second portion opening away from the hooking surface. Rather the Delahousse reference shows what the Examiner has characterized as a channel 14 opening on the same side of the second portion as the hooking surface. In fact, the channel in the Delahousse reference seems to also act as the hooking surface for the mounting hook. This is clearly not the case in the present invention where the hooking surface and the channel used to stabilize the wire inserted therein are different structures located on separate sides of the second portion of the mounting hook.

Accordingly, Applicant submits that Claim No. 10 as amended and its dependent claims should be found allowable.

D. *Claim No. 11, 24 & Dependent Claims*

Claims 11 and 24 involve the mounting hook used in combination with a wire array. Amended Claim 11 incorporates the novel traits of the mounting hook outlined in Claim 10 while new Claim 24 incorporates the novel features of the mounting hook outlined in claim 1.

Accordingly, Applicant submits that Claim No. 11 as amended, and its dependent claims, and Claim No. 24, and its dependent claims, should be found allowable.

IV. Claim Rejections under 35 U.S.C. § 103

The Examiner has rejected Claims Nos. 11-19 under 35 U.S.C. §103(a) as being unpatentable over the Delahousse reference in view of Fujita et al. (US 6676218) (the “Fujita reference”). Applicant has amended the claims as set forth in this Response. Applicant submits that the prior art fails to disclose or suggest the claimed invention.

In 1966, the Supreme Court set forth the factual inquiries required to determine obviousness. *Graham v. John Deere*, 383 U.S. 1 (1966). To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the combined prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the disclosure of the present invention. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). There is no reason to conclude that the prior art references, or the knowledge generally available to one of ordinary skill in the art, provide any suggestion or motivation to combine the mounting hook, as recited by the amended claims herein, with a wire array previously disclosed in the prior art.

V. Conclusion

Applicant respectfully submits that the independent claims are allowable over the prior art, including the cited references. For similar reasons, and for the additional reasons set forth above, Applicant urges that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



By: Michael D. Bokermann, Reg. No. 51,483
Husch & Eppenberger, LLC
190 Carondelet Plaza
St. Louis, MO 63105
314-480-1746
314-480-1505 FAX